

S/N 09/930,105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred S. Lamb et al.

Examiner: Kim, Jennifer M

Serial No.: 09/930,105

Group Art Unit: 1617

Filed: August 15, 2001

Docket: 875.054US1

Title: USE OF CLC3 CHLORIDE CHANNEL BLOCKERS TO MODULATE
VASCULAR TONE

PATENT

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

This is in response to the Election of Species Requirement mailed March 25, 2003. This response is accompanied by a Petition, as well as the appropriate fee, to obtain a two-month extension of the period for responding to the Office Action, thereby moving the deadline for response from April 25, 2003 to June 25, 2003.

In response to the Restriction Requirement mailed on October 2, 2002, Applicant elected, with traverse, the claims of Group VII (claims 22-42), which are directed to a method to modulate vascular tone comprising administering a chloride channel blocking agent.

The examiner has indicated that claim 22 is generic to a plurality of disclosed patentably distinct species, namely, tamoxifen, niflumic acid, mefenamic acid, flufenamic acid, DIDS, DNDS, STITS, NPPB, DPC or IAA-94. Applicants elect with traverse tamoxifen for examination at this time. Claims 22-24, 27-35, and 38-42 within Group VII are readable on this election.

The examiner is reminded that M.P.E.P. § 803.02 states that "if the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions. In such a case, the examiner will not . . . require restriction. [S]hould no prior art be found that anticipates or renders obvious the elected species, the search of the Markush-type claim will be extended . . . to the extent necessary to determine patentability of the Markush-type claim."

RESPONSE TO RESTRICTION REQUIREMENT

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Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612-371-2106) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

Respectfully submitted,

FRED S. LAMB ET AL.,

By their Representatives,

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Date 24 June 2003

By



Ann S. Viksnins

Reg. No. 37,748

The undersigned hereby certifies that this correspondence is being transmitted by facsimile (FAX NO. 703-308-4556) to: ATTN: Examiner Jennifer Kim, Art Unit 1617, Commissioner of Patents, Washington, D.C. 20231, on this 24 day of June, 2003.

CANDIS BUENDING

Name


Signature